UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

KENNETH CHARRON, SR.,)	
Plaintiff,)	
VS.)	No. 4:07-CV-627 (CEJ)
ELIZABETH CONLEY, et al.,)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on the second motion of defendants Dr. Charles Chastain and Dr. Marcos Nalagan for summary judgment. Plaintiff opposes the motion, and the issues are fully briefed.

Plaintiff, a Missouri state prisoner, brings this action pursuant to 42 U.S.C. § 1983, alleging that various defendants acted with deliberate indifference to his serious medical needs, in violation of the Eighth Amendment. In his complaint, plaintiff names Dr. Elizabeth Conley, Dr. Manuel Largaespada, Dr. Chastain, and Dr. Nalagan, all of whom were employed by the Correctional Medical Services. Plaintiff states that he suffers from several chronic illnesses, including internal and external bleeding hemorrhoids, esophageal bleeding, gastric ulcers, gastric reflux, arthritis, and diverticulitis with colon and rectal polyps.

In a Memorandum and Order dated August 6, 2008, the Court denied plaintiff's motion for summary judgment and denied the summary judgment motion of defendants Dr. Chastain and Dr. Nalagan. The Court granted the motions for summary judgment of defendants Dr. Largaespada and Dr. Conley.

On September 1, 2009, Dr. Chastain and Dr. Nalagan (collectively, "the defendants") filed a second motion for summary judgment. As in their first motion, the defendants ask the Court to grant summary judgment in their favor on plaintiff's

claim against them for deliberate indifference to his serious medical needs. Because

the Court has previously ruled on this issue, the Court will treat the defendants' second

motion for summary judgment as a motion for reconsideration of the August 6, 2008

Memorandum and Order.

Upon careful review of the defendants' second motion for summary judgment,

the Court believes that reconsideration of its prior decision is not warranted. The

statements of material facts for both motions for summary judgment contain virtually

the same citations to plaintiff's medical records. See (Doc. ##56; 83). Although the

statement of material facts for the second motion includes "[a] more in-depth scrutiny

of [p]laintiff's medical records," this documentation was available to the defendants

when they filed their first motion for summary judgment. (Doc. #82, at 2, para. 7).

The defendants also offer new deposition testimony of Dr. Chastain and Dr. Nalagan;

however, this new evidence merely explains and confirms the information already

disclosed in plaintiff's medical records. Because the defendants offer no arguments

regarding an error of law or fact, the Court will not reconsider its August 6, 2008,

Memorandum and Order.

Accordingly,

IT IS HEREBY ORDERED that the second motion for summary judgment filed

by defendants Dr. Charles Chastain and Dr. Marcos Nalagan [Doc. #82] is denied.

CAROL E. JACKSON

UNITED STATES DISTRICT JUDGE

Dated this 23rd day of December, 2009.

- 2 -